

**SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_**

1 A BILL to amend and reenact §§ 2.2-3705.6 and 59.1-336 of the Code of Virginia and to amend the  
2 Code of Virginia by adding in Chapter 26 of Title 59.1 sections numbered 59.1-343.1 through  
3 59.1-343.7, relating to registration of trade secrets.

4 **Be it enacted by the General Assembly of Virginia:**

5 **1. That §§ 2.2-2705.6 and 59.1-336 of the Code of Virginia are amended and reenacted and that**  
6 **the Code of Virginia is amended by adding in Chapter 26 of Title 59.1 sections numbered 59.1-**  
7 **343.1 through 59.1-343.7 as follows:**

8 **§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**

9 The following records are excluded from the provisions of this chapter but may be disclosed by  
10 the custodian in his discretion, except where such disclosure is prohibited by law:

11 1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-  
12 132.4 or 62.1-134.1.

13 2. Financial statements not publicly available filed with applications for industrial development  
14 financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

15 3. Confidential proprietary records, voluntarily provided by private business pursuant to a  
16 promise of confidentiality from a public body, used by the public body for business, trade and tourism  
17 development or retention; and memoranda, working papers or other records related to businesses that are  
18 considering locating or expanding in Virginia, prepared by a public body, where competition or  
19 bargaining is involved and where, if such records are made public, the financial interest of the public  
20 body would be adversely affected.

21 4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-  
22 239 et seq.), as such Act existed prior to July 1, 1992.

23 5. Fisheries data that would permit identification of any person or vessel, except when required  
24 by court order as specified in § 28.2-204.

25           6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost  
26 projections provided to the Department of Rail and Public Transportation, provided such information is  
27 exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other  
28 laws administered by the Surface Transportation Board or the Federal Railroad Administration with  
29 respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad  
30 Administration.

31           7. Confidential proprietary records related to inventory and sales, voluntarily provided by private  
32 energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy  
33 contingency planning purposes or for developing consolidated statistical information on energy supplies.

34           8. Confidential proprietary information furnished to the Board of Medical Assistance Services or  
35 the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of  
36 Chapter 10 of Title 32.1.

37           9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue  
38 and cost projections provided by a private transportation business to the Virginia Department of  
39 Transportation and the Department of Rail and Public Transportation for the purpose of conducting  
40 transportation studies needed to obtain grants or other financial assistance under the Transportation  
41 Equity Act for the 21st Century (P.L. 105-178) for transportation projects, provided such information is  
42 exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other  
43 laws administered by the Surface Transportation Board or the Federal Railroad Administration with  
44 respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad  
45 Administration. However, the exemption provided by this subdivision shall not apply to any wholly  
46 owned subsidiary of a public body.

47           10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade  
48 secrets or proprietary information by any person who has submitted to a public body an application for  
49 prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

50           11. a. Memoranda, staff evaluations, or other records prepared by the responsible public entity,  
51 its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed

under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) or the Public Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.), where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, § 56-573.1:1 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected, and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Records provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the records specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
2. Identifying with specificity the data or other materials for which protection is sought; and
3. Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to

79 be afforded by the responsible public entity under this subdivision. Once a written determination is made  
80 by the responsible public entity, the records afforded protection under this subdivision shall continue to  
81 be protected from disclosure when in the possession of any affected jurisdiction or affected local  
82 jurisdiction.

83 Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed  
84 to authorize the withholding of (a) procurement records as required by § 56-573.1:1 or 56-575.17; (b)  
85 information concerning the terms and conditions of any interim or comprehensive agreement, service  
86 contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity  
87 and the private entity; (c) information concerning the terms and conditions of any financing arrangement  
88 that involves the use of any public funds; or (d) information concerning the performance of any private  
89 entity developing or operating a qualifying transportation facility or a qualifying project.

90 For the purposes of this subdivision, the terms "affected jurisdiction," "affected local  
91 jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying  
92 transportation facility," "responsible public entity," and "private entity" shall mean the same as those  
93 terms are defined in the Public-Private Transportation Act of 1995 or in the Public-Private Education  
94 Facilities and Infrastructure Act of 2002.

95 12. Confidential proprietary information or trade secrets, not publicly available, provided by a  
96 private person or entity to the Virginia Resources Authority or to a fund administered in connection with  
97 financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such  
98 information were made public, the financial interest of the private person or entity would be adversely  
99 affected, and, after June 30, 1997, where such information was provided pursuant to a promise of  
100 confidentiality.

101 13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or  
102 confidential proprietary records that are not generally available to the public through regulatory  
103 disclosure or otherwise, provided by a (a) bidder or applicant for a franchise or (b) franchisee under  
104 Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a  
105 promise of confidentiality from the franchising authority, to the extent the records relate to the bidder's,

106 applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies  
107 or implementation of improvements, where such new services, technologies or improvements have not  
108 been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such  
109 records were made public, the competitive advantage or financial interests of the franchisee would be  
110 adversely affected.

111 In order for trade secrets or confidential proprietary information to be excluded from the  
112 provisions of this chapter, the bidder, applicant, or franchisee shall (i) invoke such exclusion upon  
113 submission of the data or other materials for which protection from disclosure is sought, (ii) identify the  
114 data or other materials for which protection is sought, and (iii) state the reason why protection is  
115 necessary.

116 No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the  
117 bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the  
118 applicable franchising authority serves on the management board or as an officer of the bidder,  
119 applicant, or franchisee.

120 14. Documents and other information of a proprietary nature furnished by a supplier of charitable  
121 gaming supplies to the Department of Agriculture and Consumer Services pursuant to subsection E of §  
122 18.2-340.34.

123 15. Records and reports related to Virginia apple producer sales provided to the Virginia State  
124 Apple Board pursuant to § 3.2-1215.

125 16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1,  
126 submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery  
127 Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

128 17. Records submitted as a grant or loan application, or accompanying a grant or loan  
129 application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-  
130 2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to  
131 Chapter 22 (§ 23-277 et seq.) of Title 23 to the extent such records contain proprietary business or  
132 research-related information produced or collected by the applicant in the conduct of or as a result of

study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

18. Confidential proprietary records and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2, to the extent that disclosure of such records would be harmful to the competitive position of the locality. In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the records or portions thereof for which protection is sought, and (c) state the reasons why protection is necessary.

19. Confidential proprietary records and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that records required to be maintained in accordance with § 15.2-2160 shall be released.

20. (Effective until January 1, 2014) Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial records of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Minority Business Enterprise as part of an application for (i) certification as a small, women-owned, or minority-owned business in accordance with Chapter 14 (§ 2.2-1400 et seq.) of this title or (ii) a claim made by a disadvantaged business or an economically disadvantaged individual against the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2311. In order for such trade secrets or financial records to be excluded from the provisions of this chapter, the business shall (a) invoke such exclusion upon submission of the data or other materials for which protection from

159 disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state  
160 the reasons why protection is necessary.

161 20. (Effective January 1, 2014) Trade secrets as defined in the Uniform Trade Secrets Act (§  
162 59.1-336 et seq.) or financial records of a business, including balance sheets and financial statements,  
163 that are not generally available to the public through regulatory disclosure or otherwise, provided to the  
164 Department of Small Business and Supplier Diversity as part of an application for (i) certification as a  
165 small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.)  
166 or (ii) a claim made by a disadvantaged business or an economically disadvantaged individual against  
167 the Capital Access Fund for Disadvantaged Businesses created pursuant to § 2.2-2311. In order for such  
168 trade secrets or financial records to be excluded from the provisions of this chapter, the business shall (a)  
169 invoke such exclusion upon submission of the data or other materials for which protection from  
170 disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state  
171 the reasons why protection is necessary.

172 21. Documents and other information of a proprietary or confidential nature disclosed by a  
173 carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

174 22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including,  
175 but not limited to, financial records, including balance sheets and financial statements, that are not  
176 generally available to the public through regulatory disclosure or otherwise, and revenue and cost  
177 projections supplied by a private or nongovernmental entity to the State Inspector General for the  
178 purpose of an audit, special investigation, or any study requested by the Office of the State Inspector  
179 General in accordance with law.

180 In order for the records specified in this subdivision to be excluded from the provisions of this  
181 chapter, the private or nongovernmental entity shall make a written request to the State Inspector  
182 General:

183 1. Invoking such exclusion upon submission of the data or other materials for which protection  
184 from disclosure is sought;

185 2. Identifying with specificity the data or other materials for which protection is sought; and

186 3. Stating the reasons why protection is necessary.

187 The State Inspector General shall determine whether the requested exclusion from disclosure is  
188 necessary to protect the trade secrets or financial records of the private entity. The State Inspector  
189 General shall make a written determination of the nature and scope of the protection to be afforded by it  
190 under this subdivision.

191 23. Records submitted as a grant application, or accompanying a grant application, to the  
192 Virginia Tobacco Indemnification and Community Revitalization Commission to the extent such  
193 records contain (i) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (ii)  
194 financial records of a grant applicant that is not a public body, including balance sheets and financial  
195 statements, that are not generally available to the public through regulatory disclosure or otherwise, or  
196 (iii) research-related information produced or collected by the applicant in the conduct of or as a result  
197 of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues,  
198 when such information has not been publicly released, published, copyrighted, or patented, if the  
199 disclosure of such information would be harmful to the competitive position of the applicant; and  
200 memoranda, staff evaluations, or other records prepared by the Commission or its staff exclusively for  
201 the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that  
202 are consistent with the powers of and in furtherance of the performance of the duties of the Commission  
203 pursuant to § 3.2-3103.

204 In order for the records specified in this subdivision to be excluded from the provisions of this  
205 chapter, the applicant shall make a written request to the Commission:

206 1. Invoking such exclusion upon submission of the data or other materials for which protection  
207 from disclosure is sought;

208 2. Identifying with specificity the data, records or other materials for which protection is sought;  
209 and

210 3. Stating the reasons why protection is necessary.

211 The Commission shall determine whether the requested exclusion from disclosure is necessary to  
212 protect the trade secrets, financial records or research-related information of the applicant. The



213 Commission shall make a written determination of the nature and scope of the protection to be afforded  
214 by it under this subdivision.

215 24. a. Records of the Commercial Space Flight Authority relating to rate structures or charges for  
216 the use of projects of, the sale of products of, or services rendered by the Authority if public disclosure  
217 would adversely affect the financial interest or bargaining position of the Authority or a private entity  
218 providing records to the Authority; or

219 b. Records provided by a private entity to the Commercial Space Flight Authority, to the extent  
220 that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets  
221 Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and  
222 financial statements, that are not generally available to the public through regulatory disclosure or  
223 otherwise; or (iii) other information submitted by the private entity, where, if the records were made  
224 public, the financial interest or bargaining position of the Authority or private entity would be adversely  
225 affected.

226 In order for the records specified in clauses (i), (ii), and (iii) of subdivision 24 b to be excluded  
227 from the provisions of this chapter, the private entity shall make a written request to the Authority:

228 1. Invoking such exclusion upon submission of the data or other materials for which protection  
229 from disclosure is sought;

230 2. Identifying with specificity the data or other materials for which protection is sought; and

231 3. Stating the reasons why protection is necessary.

232 The Authority shall determine whether the requested exclusion from disclosure is necessary to  
233 protect the trade secrets or financial records of the private entity. To protect other records submitted by  
234 the private entity from disclosure, the Authority shall determine whether public disclosure would  
235 adversely affect the financial interest or bargaining position of the Authority or private entity. The  
236 Authority shall make a written determination of the nature and scope of the protection to be afforded by  
237 it under this subdivision.

238 25. Documents and other information of a proprietary nature furnished by an agricultural  
239 landowner or operator to the Department of Conservation and Recreation, the Department of

240 Environmental Quality, the Department of Agriculture and Consumer Services or any political  
241 subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-  
242 104.9, other than when required as part of a state or federal regulatory enforcement action.

243 26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to  
244 the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such  
245 trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this  
246 exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii)  
247 identify the data or materials for which protection is sought, and (iii) state the reasons why protection is  
248 necessary.

249 27. Documents and other information of a proprietary nature furnished by a licensed public-use  
250 airport to the Department of Aviation for funding from programs administered by the Department of  
251 Aviation or the Virginia Aviation Board, where if the records were made public, the financial interest of  
252 the public-use airport would be adversely affected.

253 In order for the records specified in this subdivision to be excluded from the provisions of this  
254 chapter, the public-use airport shall make a written request to the Department of Aviation:

- 255 1. Invoking such exclusion upon submission of the data or other materials for which protection  
256 from disclosure is sought;
- 257 2. Identifying with specificity the data or other materials for which protection is sought; and
- 258 3. Stating the reasons why protection is necessary.

259 28. Documentation and materials constituting a claimed trade secret provided to the State  
260 Corporation Commission in support of an application made or registration granted pursuant to Chapter  
261 26 (§ 59.1-344 et seq.) of Title 59.1.

262 **§ 59.1-336. Short title and definitions.**

263 As used in this chapter, which may be cited as the Uniform Trade Secrets Act, unless the context  
264 requires otherwise:

265 "Commission" means the State Corporation Commission.

266 "Improper means" includes theft, bribery, misrepresentation, use of a computer or computer  
267 network without authority, breach of a duty or inducement of a breach of a duty to maintain secrecy, or  
268 espionage through electronic or other means.

269 "Misappropriation" means:

270 1. Acquisition of a trade secret of another by a person who knows or has reason to know that the  
271 trade secret was acquired by improper means; or

272 2. Disclosure or use of a trade secret of another without express or implied consent by a person  
273 who

274 a. Used improper means to acquire knowledge of the trade secret; or

275 b. At the time of disclosure or use, knew or had reason to know that his knowledge of the trade  
276 secret was

277 (1) Derived from or through a person who had utilized improper means to acquire it;

278 (2) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use;

279 (3) Derived from or through a person who owed a duty to the person seeking relief to maintain  
280 its secrecy or limit its use; or

281 (4) Acquired by accident or mistake.

282 "Person" means a natural person, corporation, business trust, estate, trust, partnership,  
283 association, joint venture, government, governmental subdivision or agency, or any other legal or  
284 commercial entity.

285 "Registrant" means any person to whom the registration of a trade secret under this chapter or  
286 prior law is issued, and the legal representatives, successors, or assigns of such person.

287 "Trade secret" means information, including but not limited to, a formula, pattern, compilation,  
288 program, device, method, technique, or process, that:

289 1. Derives independent economic value, actual or potential, from not being generally known to,  
290 and not being readily ascertainable by proper means by, other persons who can obtain economic value  
291 from its disclosure or use, and

292 2. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

**§ 59.1-343.1. Application for registration with the Commission.**

A. Subject to the limitations set forth in this chapter, any person may file in person with the Commission, in a manner complying with the requirements of the Commission, an application for registration of a trade secret setting forth, but not limited to, the following information:

1. The name and business address of the person applying for such registration; and, if a corporation, limited liability company, partnership, limited liability partnership, or any other legal entity, the state or other jurisdiction of incorporation, formation, or organization, as the case may be;

2. Classification of the trade secret based on the type of information to be protected consistent with the classification scheme developed by the Commission;

3. The date when the trade secret was first developed, or the date of its first use, if at all, anywhere and in this Commonwealth by the applicant or a predecessor in interest; and,

4. A statement that the trade secret meets the definition of "trade secret" as provided in § 59.1-336, that the applicant is the owner of the trade secret, that the trade secret is or will be in use in this Commonwealth, and that the trade secret was not acquired through misappropriation.

B. The application shall be signed and verified (by oath, affirmation or declaration subject to perjury laws) by the applicant or by a person authorized by the applicant to make the application.

C. The application shall be accompanied by copies of the information claimed to constitute a trade secret. All supporting documentation constituting a claimed trade secret shall be provided to the Commission at the applicant's or registrant's risk.

D. The application shall be accompanied by a nonrefundable application fee, as reasonably set by the Commission.

**§ 59.1-343.2. Filing of Application.**

A. Upon the filing of an application for registration and payment of the application fee, the Commission shall cause the application to be examined for conformity with this chapter. The Commissioner's examination shall be limited to the information provided in the application and shall not include a substantive review of the claimed trade secret or an assessment as to whether the standards for trade secret protection set forth in § 59.1-336 have been satisfied.

320 B. The applicant shall provide any additional relevant information requested by the Commission  
321 and may make, or authorize the Commission to make, such amendments to the application as may be  
322 reasonably requested by the Commission or deemed by the applicant to be advisable to conform with the  
323 requirements herein. The Commission may finally refuse registration to an applicant who fails to  
324 comply with such requests.

325 § 59.1-343.3. Certificate of Registration.

326 A. Upon compliance by the applicant with the requirements of this chapter, the Commission  
327 shall cause a certificate of registration to be issued and delivered to the applicant. The certificate shall  
328 show (i) the name and business address of the registrant and, if a corporation, limited liability company,  
329 partnership, limited liability partnership, or any other legal entity, the state or other jurisdiction of  
330 incorporation, formation, or organization, as the case may be; (ii) the date the trade secret was developed  
331 and the date, if any, claimed for the first use of the trade secret anywhere and in this Commonwealth;  
332 (iii) the class of information to be protected; and (iv) the registration date and the term of the  
333 registration.

334 B. Any certificate of registration issued by the Commission pursuant to this chapter, or a copy  
335 thereof duly certified by the clerk of the Commission, shall be prima facie evidence of the registrant's  
336 claim of trade secret protection and shall be admissible in evidence as competent and sufficient proof of  
337 the registration of such trade secret in any actions or judicial proceedings in any court of the  
338 Commonwealth.

339 § 59.1-343.4. Duration and renewal.

340 A registration of a trade secret hereunder shall be effective for a term of ten years from the date  
341 of registration and, upon application filed within six months prior to the expiration of such term, in a  
342 manner complying with the requirements of the Commission, may be renewed for a like term from the  
343 end of the expiring term. A renewal fee, reasonably set by the Commission, shall accompany the  
344 application for renewal of the registration.

345 § 59.1-343.5. Assignments and change of name.

346 A. Any trade secret and its registration hereunder shall be assignable with the good will of the  
347 business in which the trade secret is used. Assignment shall be by instruments in writing duly executed  
348 and may be filed with the Commission upon the payment of a fee, reasonably set by the Commission.  
349 The Commission shall issue in the name of the assignee a new certificate for the remainder of the term  
350 of the registration or of the last renewal thereof. An assignment of any registration under this chapter  
351 shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is  
352 filed with the Commission within three months after the date of the assignment or prior to such  
353 subsequent purchase.

354 B. Any registrant effecting a change of name may file a certificate of name change with the  
355 Commission upon the payment of a fee, reasonably set by the Commission. The Commission shall  
356 prescribe the form and content of such certificate. The Commission shall issue in the new name of the  
357 registrant a new certificate of registration for the remainder of the term of the registration or last renewal  
358 thereof.

359 D. A photocopy of any instrument referred to in this section shall be accepted for filing if it is  
360 certified by any of the parties thereto, or their successors, to be a true and correct copy of the original.

361 § 59.1-343.6. Records.

362 The Commission shall keep, for public examination only, a record of all applications accepted  
363 for registration under this chapter. The Commission shall not retain, and shall return to the applicant as  
364 soon as practicable, any of the documenting evidence provided in support of the application, and shall  
365 not disclose the content of such supporting documentation constituting a claimed trade secret unless  
366 required to do so by court order. Such documentation, while in the possession of the Commission, shall  
367 not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), nor  
368 shall the Virginia Public Records Act (§ 42.1-76 et seq.) apply.

369 § 59.1-343.7. Participation in process.

370 A. Filing an application for registration or maintaining a registration shall not constitute a waiver  
371 of secrecy or otherwise be considered inconsistent with reasonable efforts to maintain secrecy  
372 concerning trade secrets under common law or other provisions of this chapter.

373 | B. Failure to file an application or maintain a registration shall not signify a failure to claim trade  
374 | secret rights under common law or other provisions of this chapter.

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